

**WALDO COUNTY COMMISSIONERS COURT SESSION
(SPECIAL SESSION)
JANUARY 22, 2010**

PRESENT: Commissioners Donald P. Berry, Sr. (Chairman), Amy R. Fowler and William D. Shorey with County Clerk Barbara Arseneau to take minutes.

Commissioner Berry opened the court session at 8:03 a.m.

D. Berry stated that in view of recent reviews of funding for building a new Sheriff's Office, the County would no longer be applying for a loan and possible grant through the USDA Rural Development program and asked for a motion to that effect.

****W. Shorey moved, A. Fowler seconded for the Commissioners to send a letter to Mr. Sirois of the USDA Rural Development informing him that the Commissioners have decided to withdraw their application and pursue the Sheriff's Office funding another way. Unanimous.**

DISCUSS FUNDING TO PROPOSE SHERIFF'S BUILDING:

Also present with the Commissioners was 2010 Budget Committee member Richard Desmarais.

D. Berry thanked Commissioner Shorey and everyone in the office for the work they had done to come up with a funding concept to pay for the proposed new Sheriff's Office building. He asked that several copies be made for the planning meeting that would follow later this morning.

D. Berry elaborated that it appeared that enough money existed that would permit the County to build a Sheriff's Office. The spreadsheet in front of them was explained and discussed.

The bottom line was that there is enough funding to build a Sheriff's Office that would not cost the taxpayers loan fees or referendum expenses. He explained that the note at the bottom of the sheet explained the need to build up those reserve accounts that would be used to fund the project on a regular basis until they were built back up to where they should be. He noted that the Communications Center loan will be paid off this fall, at \$65,000.00, and it was recommended that this money be used to assist in building back up those reserves.

D. Berry's recommendation was to move forward and utilize the funds listed on the sheet to build the Sheriff's Office, and since this will be built around the same time as the EMA building, the Commissioners felt that there would likely be significant savings by jointly doing as much work as possible. Site work, surveys, etc. could be done simultaneously. A. Fowler stated that she believed that the Sheriff's Office could be built for significantly less than anticipated.

****W. Shorey moved, A. Fowler seconded to move forward with proposed designated fee amounts described manner presented.** Discussion: W. Shorey said that, regarding the comments that this could be built for less, he noted that \$150,000.00 was "down the drain," no matter what would be done from this time forward. There would be a substantial savings when all the fees and costs, including bond counsel, etc., that would normally be incurred were considered. In terms of rebuilding the reserve accounts, W. Shorey explained that if someone might wonder why they need to be rebuilt,

he would ask that they keep in mind that the County would be saving more than \$500,000.00 in interest, etc. that would have had to be paid if the building had been built by means of a loan.

A. Fowler commented that the undesignated fund balance has nothing to do with the Jail.

R. Desmarais recalled that when the 100 acres was purchased, the Jail Research Committee considered the cost of putting the Sheriff's building on that property. He said that the cost to do this would have been "astronomical" and felt that this other approach was "a bargain." He stated that he did not wish to speak for the Budget Committee, as the decision to rebuild the reserve accounts would be theirs to make as a committee, but felt that if the Commissioners called a meeting to inform them of their intentions, the Commissioners would likely find support. He emphasized that he was one of nine members and did not want to speak for the committee.

W. Shorey said he recognized that the Commissioners could not impose on a budget committee eight or nine years down the road, but felt this was more of a "good faith understanding," to rebuild the reserve accounts and would hope that the Budget Committee would agree.

A. Fowler explained that the Commissioners had been able to "tuck money away," which is why they were looking to build this without borrowing funds and the reserves would need to be built up again.

R. Desmarais said that, if he recalled correctly, when he was serving on the Jail Research Committee a few years ago, he believed that the Sheriff's portion of the project would be about \$5,000,000.00. A. Fowler responded that it was "more like \$7,000,000.00. R. Desmarais added that this would have been nice to do if money was no object, but obviously, money was an object.

W. Shorey said he really liked the idea of doing something right. He believed that it should be built to solve the problem for 100 years and felt that it was great that all the buildings related to emergency services, etc. were all located in one place.

D. Berry said that the reason he wishes to hold an informal meeting with the Budget Committee was not to get a decision, but to inform the Budget Committee of the intentions and the concept. He was disappointed that Bill Sneed, who has been asked to serve on the EMA/Sheriff's Office Building Planning Committee, would not be able to attend today's meeting. He felt that if B. Sneed were present, he might be rather excited about the concept being presented today.

D. Berry noted that a referendum process is very expensive. It would be a minimum of \$50,000.00 to do, which would really be "wasted money," he said.

R. Desmarais agreed that the Sheriff's Office, of all County buildings, was the "armpit" and commented that it should have been gone long ago.

W. Shorey said what he had been hearing in the hallway during breaks in Budget Committee meetings and after the Public Hearing last fall, was that everyone seemed to be in agreement that the Sheriff's Office was long overdue to be replaced. W. Shorey stated that if this could be done, it would be almost a ten-year window before the County got involved in the next big project, which he suspected would likely be "the marrying of the two courthouses."

R. Desmarais said that this might be an informal meeting, but suggested that if there was a quorum, he felt that it might be forced into more of a formal meeting. He did not wish to handle it incorrectly. D. Berry said it could still be treated as an informational meeting. W. Shorey said that what the Commissioners were really looking for was if there was general agreement that this would be the way things would proceed. The Commissioners recognized that they could not formally ask the Budget Committee for a decision until the Budget Committee reconvenes in the fall. D. Berry asked that this informational sheet be sent electronically and in hard copy to all the Budget Committee members. D. Berry explained that he had an opportunity to speak about this a little with 2010 Budget Committee member Robert Plausse last night.

Motion passed unanimously.

DESIGNATING WALDO COUNTY AS A RECOVERY ZONE:

****A. Fowler moved, W. Shorey to act on a resolution to designate Waldo County as a Recovery Zone Pursuant to the American Recovery and Reinvestment Tax Act of 2009. Unanimous.**

When recently asked if the Waldo County Commissioners were “development oriented,” W. Shorey said he had replied that the Commissioners most certainly were.

CORRESPONDENCE:

Reporting correspondence to the County Commissioners was County Clerk Barbara Arseneau.

1. MainePers Increase: The MainePers Board of Trustees has voted to increase employer contribution rates for the PLD Consolidate Plan based upon actuarial recommendations. This will take affect on July 2010. The employer contributions for the AC plan will increase from 2.8% to 3.5% and Special Plan 2C will increase from 4% to 5%. The County Clerk had notified Commissioner Fowler yesterday while she was in a BOC budget preparation meeting discussing the FY 2011 budget, so that she would be aware that about \$2,438.00 more would need to be added to Waldo County's Correctional budget.
2. H.R./Payroll Director Michelle Wadsworth submitted a corrected 2010 Non-union Non-Exempt Pay Scale to the County Commissioners. Commissioner Berry signed it.
3. Facilities Manager Keith Nealley has submitted the contract between the County and Central Maine Cleaning, Inc. for cleaning services they will perform at Waldo County Cooperative Extension Office in Waldo, as voted on during the January 12, 2010 Commissioners Court Session. Commissioner Berry signed the contract.
4. Becky Morgan at MCCA has invited counties to be present for the first 2010 Convention of Maine Counties Planning Session on January 26, 2010 from 12:00 to 1:30 p.m. It will be a working lunch. A. Fowler said she would attend and B. Arseneau was to notify Owen Smith, per A. Fowler.

5. APPROVAL OF MINUTES:

****A. Fowler moved, W. Shorey seconded to approve the minutes from Tax Abatement Appeal Petition #350 – Anna Sirles vs. Town of Frankfort that was heard on December 15, 2009. Unanimous.**

FY 2011 CORRECTIONS BUDGET UPDATE:

A. Fowler said she had been assigned to the Corrections Working Group. They had asked her over one year ago to serve, but she had declined then because they meet so often and so long. This time when she was asked, she agreed, because Waldo County has a vested interest. She said the meetings last literally all day. All fifteen county jail budgets have been reviewed to date.

A. Fowler explained that yesterday K. Trussell alerted Sheriff Story that the budget draft being circulated by the Corrections Working Group showed that any corrections employee who was not in a union, would be flat-funded at 2009 levels. S. Story had called A. Fowler and asked why this was the case. A. Fowler hurried to that meeting and represented Waldo County's employees, who are not in a union. She acknowledged that she herself was not aware of these changes until K. Trussell had pointed them out. All counties had the opportunity to argue, and A. Fowler argued that if the State will be creating two classes of people, then she would respectfully request that \$45,000.00 to \$50,000.00 be added to Waldo County's Professional Services line because she could guarantee that Waldo will not be negotiating with a union right away.

A. Fowler said she spoke with Tim Leet and an email was sent out asking for other counties' input. She emphasized that she was not asking as a Waldo County Commissioner and not as a Corrections Working Group member. She was still getting responses at 11:30 last night. Some counties have a large number of correctional employees that are not unionized. For some counties, it is divided; some corrections employees are unionized and some are not.

There was animated discussion about how counties have tried to "play nicely" with the State throughout the development of the "One Maine System," but counties have had to keep "bending over backwards."

D. Berry said that he had real issues with the legality of this matter. He wondered what power, constitutionally, the BOC had regarding paying salaries of employees.

A. Fowler commented that this has stirred up the counties, which is exactly what she hoped and exactly what was needed.

D. Berry wondered if the correctional employees should all form under one union. W. Shorey said he was just waiting for an attorney in the group to file a class action lawsuit against the State. A. Fowler said that she had asked how the State could renege on its union contracts without having grievances and was told there were, in fact, a number of grievances. W. Shorey stated that the State of Maine is just not bringing in enough money. "This state needs to figure out how to make a combination of taxes that bring in more income because the jail situation is a prime example: You can only cut off so many things," he remarked. He felt treating the non-union employees differently was one of the worst forms of discrimination there is. A. Fowler felt such differences in pay would create very hostile working conditions. She wondered what State of Maine Prison Guards were paid. W. Shorey wondered how Somerset County felt after building a jail for a large sum of money, anticipating boarding inmates to help with the cost, only to be told they are now going to board inmates at \$23.00 per day. "The luckiest thing Waldo County did was to not build a jail in the past few years," he stated and the other Commissioners agreed. The Commissioners were all in agreement that they wanted the Waldo County correctional employees to be treated as fairly as any other correctional employees.

Commissioner Fowler stated that both she and Sheriff Story strongly oppose this inequity in salaries. W. Shorey commented that the down-side of serving on a committee is that a person will find it harder to defend a position they may have. "They really surrender their voice," he said.

Commissioner Berry thanked Commissioner Fowler for speaking for the Waldo County Commissioners. She explained that she had been hesitant to speak for the Board of Commissioners up to this point. D. Berry told her that she should speak for the Board.

The Commissioners decided to schedule an informational Court Session and invite the Budget Committee to attend on Friday, February 5, 2010 at 6:30 p.m. in the Probate Courtroom. The Commissioners instructed County Clerk B. Arseneau to send both electronically and by post, the invitation and the Sheriff's Office Building Funding Concept.

The Commissioners discussed when this information should be announced publicly. Commissioner Berry will hold a press conference this coming Tuesday, if at all possible. He will check his calendar.

****W. Shorey moved, A. Fowler seconded to adjourn the court session at 9:45 a.m. Unanimous.**

Respectfully submitted by *Barbara L. Arseneau*
Waldo County Clerk